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Chapter No. 47
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AM / CB

HOUSE BILL NO. 1650

Originated in House



Clerk

HOUSE BILL NO. 1650

AN ACT MAKING AN APPROPRIATION TO THE GOVERNOR'S
OFFICE-DIVISION OF MEDICAID FOR THE PURPOSE OF PROVIDING MEDICAL
ASSISTANCE UNDER THE MISSISSIPPI MEDICAID LAW AND DEFRAYING THE
EXPENSES OF THE ADMINISTRATION OF THAT LAW FOR THE FISCAL YEAR
2020.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be
necessary, is appropriated out of any money in the State General
Fund not otherwise appropriated, to the Governor's
Office - Division of Medicaid for the purpose of providing medical
assistance under the Mississippi Medicaid Law and defraying the
expenses of the administration of such law, as provided in Section
43-13-101 et seq., Mississippi Code of 1972, for the fiscal year
beginning July 1, 2019, and ending June 30, 2020
..... \$ 868,013,306.00.

SECTION 2. The following sum, or so much thereof as may be
necessary, is appropriated out of any money in the State Treasury
to the credit of the Medical Care Fund created by Section
43-13-143, Mississippi Code of 1972, for the purpose of providing

medical assistance under the Mississippi Medicaid Law for the
fiscal year beginning July 1, 2019, and ending June 30, 2020
..... \$ 390,386,040.00.

SECTION 3. The following sum, or so much thereof as may be
necessary, is appropriated out of any money in any special fund in
the State Treasury to the credit of the Governor's
Office - Division of Medicaid which is comprised of special source
funds collected by or otherwise available to the Division, for the
purpose of providing medical assistance under the Mississippi
Medicaid Law and defraying the expenses of the administration of
such law, for the fiscal year beginning July 1, 2019, and ending
June 30, 2020 \$ 5,069,062,534.00.

Prior period recovery of funds may be maintained and expended
by the division when the recovery is received or finalized. Any
recoveries due to audits or third party recoveries may be used to
offset the cost of such audits and third party recoveries and as
such, the division may escalate Contractual Services as needed for
these purposes.

SECTION 4. The following sum, or so much thereof as may be
necessary, is appropriated out of any money in the State Treasury
to the credit of the Health Care Expendable Fund, for the purpose
of defraying the expenses of the Governor's Office - Division of
Medicaid for the fiscal year beginning July 1, 2019, and ending
June 30, 2020 \$ 63,230,003.00.

The above funds shall be allocated as follows:

CHIP Program at up to 209% level of poverty . \$ 9,000,000.00.

Medical Program Matching Funds \$ 54,230,003.00.

It is the intention of the Legislature that funds may be shifted among the above allocated line items where needed at the discretion of the Executive Director of Governor's Office - Division of Medicaid.

SECTION 5. Of the funds appropriated under the provisions of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

| | | |
|---------------|-----------------|-----|
| Permanent: | Full Time | 997 |
| | Part Time | 2 |
| Time-Limited: | Full Time | 33 |
| | Part Time | 0 |

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2021 do not exceed Fiscal Year 2020 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2020 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2020

appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2020 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Funds are provided herein for all full-time employees to receive up to a Three Percent (3%) pay increase to the realignment component of the Variable Compensation Plan, excluding head of agencies, board members and commission members.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are

being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

SECTION 6. It is the intention of the Legislature that the Governor's Office - Division of Medicaid shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2019. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2021 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2020 budget request process with the Children's Health Insurance Program (CHIP) being separated from the Medical Services Program and submitted as a separate program. All Medicaid 1915 (C) Home and Community Based Services Waivers shall be presented as a budget program separate from the Medical Services Program. In addition, the performance measures reported for the Medical Services Program shall include an unduplicated case count of individuals served by eligibility status, and the number and the costs of emergency room visits.

SECTION 7. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

| | FY2020 |
|--|---------------|
| <u>Performance Measures</u> | <u>Target</u> |
| Administrative Services | |
| Admin as a % of Total Budget | 4.58 |
| Third Party Liability Cost Avoided (\$Thou) | 939,662.00 |
| % of Clean Claims Processed within 30 days of receipt | 99.00 |
| % of Clean Claims Processed within 90 days of receipt | 99.99 |
| Applications Processed within Std. of Promptness (%) - Medicaid | 90.00 |
| Third Party Funds Recovered | 4,029,249.00 |
| Providers Submitting Electronic Claims | 37,500 |
| Turnover Rate of Employees | 15.00 |
| Medical Services | |
| Medicaid Recipients - Enrolled (Persons) | 694,786 |
| % MSCAN Diabetic members aged 17-75 receiving HBA1c test | 91.63 |

| | |
|---|----------------|
| % Change in number of recipients enrolled from last year | 1.00 |
| % Change in number of providers from last year | -12.00 |
| % MSCAN members with persistent asthma are appropriately prescribed medication | 82.00 |
| Costs of Emergency Room Visits (\$) | 162,360,473.00 |
| Number of Emergency Room Visits | 556,818 |
| Rate of EPSDT well child screening | 75.00 |
| % Medicaid beneficiaries assigned to a PCP | 100.00 |
| % change of Medicaid beneficiaries assigned to a managed care company | -2.00 |
| Child Physical Exams (ages 0-20) | 297,379 |
| Adult Physical Exams (21-older) | 2,628 |
| Number of Fraud and Abuse Cases Investigated | 200 |
| Number of Kidney Dialysis Trips | 571,036 |
| Number of Medicaid Providers | 35,000 |
| Medicaid beneficiaries assigned a PCP | 420,000 |
| Number of Medicaid beneficiaries assigned to a managed care company | 420,000 |
| Children's Health Insur Prg (CHIP) | |
| CHIP Enrollees | 47,051 |
| Applications Processed within Std. of Promptness (%) - CHIP | 90.00 |
| Home & Comm Based Waiver Prg | |

| | |
|---|--------|
| Elderly & Disabled - Persons Served | 19,580 |
| Elderly & Disabled - Funded Slots | 18,690 |
| Elderly & Disabled - Total Authorized Slots | 21,600 |
| (E&D) Change in persons on waiting list% | 10.00 |
| Assisted Living - Persons Served | 690 |
| Assisted Living - Funded Slots | 659 |
| Assisted Living - Total Authorized Slots | 950 |
| (AL) Change in persons on waiting list% | 10.00 |
| Intellectual Disability - Persons Served | 3,150 |
| Intellectual Disability - Funded Slots | 2,641 |
| Intellectual Disability - Total | |
| Authorized Slots | 3,400 |
| (IDD) Change in persons on waiting list% | 10.00 |
| Independent Living - Persons Served | 3,135 |
| Independent Living - Funded Slots | 2,993 |
| Independent Living - Total Authorized Slots | 5,650 |
| (IL) Change in persons on waiting list% | 10.00 |
| Traumatic Brain Injury - Persons Served | 1,045 |
| Traumatic Brain Injury - Funded Slots | 998 |
| Traumatic Brain Injury - Total | |
| Authorized Slots | 3,600 |
| (TBI) Change in persons on waiting list% | 50.00 |

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the

agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2021.

SECTION 8. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 9. The Governor's Office - Division of Medicaid shall provide statistical and financial reports on a monthly basis to the Legislative Budget Office and the PEER Committee. These reports shall include, but are not limited to, an accounting of all funds spent in the medical program, the CHIP program, the Dialysis Transportation program, and each of the Home and Community Based Waiver programs, and an accounting of all funds spent in the administrative program, participant statistics and any other information requested by the Legislative Budget Office and the PEER Committee.

The Governor's Office - Division of Medicaid shall perform its cash flow projections on a predetermined monthly schedule and make this and any other information requested available, upon request, to the Chair of the Senate Public Health and Welfare Committee, the House Public Health and Human Services Committee,

the House and Senate Medicaid Committees, the House and Senate Appropriations Committees, the Legislative Budget Office and the PEER Committee. A summary of this cash flow projection shall also be presented in the report referenced in the above paragraph.

SECTION 10. Of the funds appropriated in this act, the Division of Medicaid shall pay the maximum rate allowed by federal law or regulation to providers of adult day services for each day of service provided to an eligible beneficiary. In order to receive this per diem rate of reimbursement, providers of adult day services shall participate in the Elderly and Disabled Waiver Program for Home and Community Based Services.

SECTION 11. Of the funds appropriated under the provisions of this act in an amount not to exceed, Two Million Seven Hundred Fifty Thousand Dollars (\$2,750,000.00) is provided for the purpose of funding a temporary program to provide nonemergency transportation to locations for necessary dialysis services for end-stage renal disease patients who are sixty-five (65) years of age or older or are disabled as determined under Section 1614(a)(3) of the federal Social Security Act, as amended, whose income did not exceed one hundred thirty-five percent (135%) of the nonfarm official poverty level as defined by the Office of Management and Budget and whose eligibility was covered under the former category of eligibility known as Poverty Level Aged and Disabled (PLADS).

SECTION 12. Of the funds appropriated in Sections 1 and 3, Three Hundred Ninety-eight Thousand Five Hundred Fifty Dollars (\$398,550.00) General Funds and One Million One Hundred One Thousand Four Hundred Fifty Dollars (\$1,101,450.00) Special Funds are provided for five (5) slots in the Assisted Living Waiver program for persons with Traumatic Brain Injury and in need of Cognitive Rehabilitation. The Division shall develop eligibility criteria for these additional slots.

SECTION 13. It is the intention of the Legislature that the funds appropriated in this act to the Governor's Office - Division of Medicaid for the Mississippi Coordinated Access Network (MS-CAN) program be used in the most efficient and effective manner possible to achieve the intended mission of the division. The division and the coordinated care organizations with which the division has contracted to conduct the MS-CAN program shall establish baselines for the health-related outcome measurement for each of the following health focus areas for presentation at the Joint Legislative Budget Committee hearings for Fiscal Year 2020, which will be used as the baseline levels for establishing targets for improvements in quality of care performance measures for the MS-CAN program in Fiscal Year 2020 and later fiscal years:

- a. Comprehensive Diabetes Care (CDC) or successive measure.
- b. Medication Management for People with Asthma (MMA) or successive measure.

c. Annual Monitoring for Patients on Persistent Medications (MPM) or successive measure.

d. Adult BMI Assessment (ABA) and Weight Assessment and Counseling for Nutrition and Physical Activity for Children/Adolescents (WCC) or successive measure.

In addition, for comparison purposes, these same baselines for the health-related outcome measurements shall be established for similar Medicaid recipients who are not enrolled in the MS-CAN program.

SECTION 14. It is the further intention of the Legislature that, for the Fiscal Year 2020, the Division of Medicaid shall not restrict HIV antiretroviral medications.

SECTION 15. Of the funds appropriated in Sections 1 and 4, Four Million One Hundred Sixty-one Thousand Ninety-five Dollars (\$4,161,095.00) shall be allocated to the Delta Health Alliance for the Mississippi Delta Medicaid Population Health Demonstration Project. Funds shall be transferred no later than July 31, 2019. A progress report on the Mississippi Delta Medicaid Population Health Demonstration Project shall be provided by Delta Health Alliance to the Chairmen of the Senate and House Public Health Committees, Senate and House Medicaid Committees and the Senate and House Appropriations Committees on or before December 31, 2019.

SECTION 16. It is the intention of the Legislature that the Governor's Office - Division of Medicaid and the Department of

Human Services shall continue to work together to implement HB 1090 of the 2017 Regular Session, known as the "Medicaid and Human Services Transparency and Fraud Prevention Act".

SECTION 17. The Governor's Office - Division of Medicaid is authorized to expend funds appropriated herein as necessary to provide currently existing home and community based services through any CMS approved state plan or home and community based services waiver to individuals who qualify for those services to avoid institutionalization or to transition an individual from an institution to any home and community based setting. Provision of such services shall not count against any limit imposed under this act. It is the intention of the Legislature that the cost of providing home and community based services shall not exceed the cost of nursing facility services, as determined by the Division.

SECTION 18. It is the intent of the Legislature that the Governor's Office - Division of Medicaid shall develop a payment methodology or methodologies to reimburse rural hospitals that have fifty (50) or fewer licensed beds under a cost-based methodology pursuant to the provisions of Section 43-13-117(A)(2)(c) of the Mississippi Code or another methodology which results in increased payments for outpatient services for such hospitals. Such payment methodology or methodologies shall be submitted to the House and Senate Appropriations Chairmen no later than December 31, 2019.

SECTION 19. It is the intention of the Legislature, the Governor's Office - Division of Medicaid shall use a provider owned company which is domiciled in the State of Mississippi with experience in credentialing Mississippi providers.

SECTION 20. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 21. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2019


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 28, 2019


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

April 16, 2019
11:30 AM